



THE WILDERNESS SOCIETY

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Docket Management System
Docket No. FAA 2004-17460
U.S. Department of Transportation
Room Plaza 401, 400 Seventh St., SW
Washington, D.C. 20590-0001

Re: Scoping comments for the Environmental Assessments on the Air Tour Management Plans for Lake Mead National Recreation Area and portions of Grand Canyon-Parashant National Monument.

The Wilderness Society (TWS), representing over 200,000 Americans nation-wide, is a not-for profit public interest membership organization headquartered in Washington, D.C. with eight regional offices. Founded in 1935, the Society and its members work to protect America's wilderness and to develop a nationwide network of wild lands through public education, scientific analysis, and advocacy. Our goal is to ensure that future generations enjoy the clean air and water, beauty, wildlife, and opportunities for recreation and spiritual renewal provided by the nation's pristine forests, rivers, deserts, and mountains. TWS has a long history of involvement and commitment to the protection and management of National Park System and the Wilderness within it. We appreciate this opportunity to submit our comments on the Notice of Intent to Prepare Environmental Assessments and Notice of Initiation of Public Scoping for Lake Mead National Recreation Area (NRA) and Grand Canyon-Parashant National Monument (NM).

TWS is concerned about the protection and preservation of natural sound in our National Parks and in Wilderness. Natural sound is a resource, a value to be appreciated. Our ability to hear undisturbed the sounds of nature is a resource that we must protect from impairment. There should be places where silence mingles with the whisper of the wind and one can reflect in solitude. Our National Parks and Wildernesses are, in fact, such places.

The air tour management plan (ATMP) being conducted for Lake Mead NRA and Grand Canyon-Parashant NM is critical in that both units are fundamentally wilderness parks. Nearly half the land in Lake Mead NRA is in designated, proposed or potential wilderness status. Similarly, over 90% of the land in Grand Canyon-Parashant NM is designated or proposed as Wilderness, including 185,533 acres in the NPS portion of the Monument.

Lake Mead NRA is composed of nearly 1.5 million acres of land of which 184,439 are designated and found in nine separate wilderness areas and NPS has classified another 493,000 acres as proposed wilderness. Although designated as the nation's first national recreation area, the NPS is mandated to preserve the important features of the landscape including the flora, fauna and natural processes and features of the region. A diverse array of wildlife is found including the threatened desert tortoise, Peregrine falcon, bald eagle, and banded Gila monster. Also found are internationally significant populations of desert bighorn sheep, suitable habitat for the Mexican spotted owl, Northern goshawk nests and the flight path of the California condor.

Grand Canyon-Parashant NM is a remote and unspoiled landscape that was designated as a monument to preserve its many "scientific and historic objects, such as unique geology, history, archeological resources, and wildlife". Its engaging scenery is located on the edge Grand Canyon NP, one of the most beautiful places on earth, of which 1.1 million acres have been proposed as Wilderness. The Monument is co-managed by NPS and BLM, with the NPS having primary management authority over the southern portion. The Monument's proclamation clearly identifies solitude and the Monument's remote and unspoiled qualities as essential to the protection of the scientific and historic resources contained within. Hence the protection of wilderness character of the entire Monument must be considered within this ATMP. There is no designated wilderness within the NPS-managed portion of the Monument, however there is a citizen-proposal for 185,533 acres for wilderness designation. Within the BLM-managed portion of the Monument are four wilderness areas representing 143,500 acres and another 778,053 acres are included in a citizen's proposal for wilderness.

Due to the incredible volume of commercial air tours over this region, careful scrutiny of the impact of overflights is imperative because of the possible impact to the wilderness character of these lands. To protect the natural and cultural resources, wildlife, wilderness and visitor experience the public must be fully informed on the substance of the issues. The process should follow a precautionary principle – cautious and protective decisions should be made in the absence of specific knowledge. The precautionary principle would only permit increased commercial air tours if the data allows such an expansion of use while simultaneously preventing impairment of resources and allowing visitor access to natural sound and opportunities for solitude.

Recommend an Environmental Impact Statement

The ATMP for Lake Mead NRA and Grand Canyon-Parashant is a significant Federal action that warrants an Environmental Impact Statement (EIS). The magnitude of the air tours over Lake Mead NRA alone is so enormous that any decision related to the 82,175 air tours will have a major impact on both the commercial operators and the natural, cultural and historic resources. TWS believes that the management of air space over our national parks and monuments should be fully analyzed and not evaluated in the abbreviated manner of an EA. Therefore, we believe a full EIS is necessary to avoid a violation of the National Environmental Protection Act (NEPA).

Insufficient Scoping Information

Unfortunately, the information provided in the scoping documents for the NRA and NM is seriously insufficient for the public to provide substantive, informed comments. For example Figure 3 in the scoping document does not show flight routes over Grand Canyon-Parashant NM. Additionally, the document provides no verbal description of the overflight situation over the monument. This lack of

information suggests the primary data is not available on the situation. TWS strongly recommends that the following information be collected and provided to the public prior to the publication of a draft EIS, and that the public is informed of its availability by a notice in the Federal Register. The information should include the following and it should be verified to guarantee its accuracy:

- Company name of tour operator
- Number of flights
- Elevation of flights
- Times of flights
- Specific flight routes
- Maps of zones of high biological concentrations
- Maps of zones of threatened and endangered species
- Maps of proposed, potential and designated wilderness
- Maps of cultural resources

NPS' Mandate to Conserve Resources is Primary

The FAA must defer to the expertise of the NPS staff when determining commercial air tour impacts on national park visitors, resources, and values. This is because the National Parks Service's (NPS) mission is to protect parks and guarantee that visitor experience of the parks. Furthermore, for 88 years NPS has been mandated by the Organic Act, 16 U.S.C.1:

"...to promote and regulate the use of the...national parks...which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Additionally, NPS Management Policies 2001 [1.4.6] states that:

"The park resources and values that are subject to the non-impairment standard include: The park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes, **natural soundscapes** and smells; water and air resources; soils, geological resources, paleontological resources; archeological resources; cultural landscapes; ethnographic resources, historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals."

Further, the Monument Proclamation states:

The Grand Canyon-Parashant National Monument is a vast, biologically diverse, impressive landscape encompassing an array of scientific and historic objects... Full of natural splendor and a sense of solitude, this area remains remote and unspoiled, qualities that are essential to the protection of the scientific and historic resources it contains.

...NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Grand Canyon-Parashant National Monument, *for the purpose of protecting the objects identified above...*

The Secretary of the Interior shall manage the monument through the Bureau of Land Management and the National Park Service, pursuant to applicable legal authorities, *to implement the purposes of this proclamation*. The National Park Service and the Bureau of Land Management shall manage the monument cooperatively and shall prepare an agreement to share, consistent with applicable laws, whatever resources are necessary to properly manage the monument; however, the National Park Service shall continue to have primary management authority over the portion of the monument within the Lake Mead National Recreation Area...

Moreover, Director's Order 47 articulates NPS' operational policies regarding the preservation of sound and the management of noise. The FAA and NPS were defined as cooperating agencies in the development of ATMPs by the NPATMA. Therefore, FAA would fail to meet its obligation under the Act if it does not respect the congressional-mandates to which the NPS must adhere.

Natural Quiet Standard

Air tour flights over Lake Mead NRA and Grand Canyon-Parashant NM should be capped immediately until natural quiet standards have been developed for each area. An ATMP should be implemented within the guidelines provided by a NPS natural quiet standard, a framework that provides a comprehensive understanding of sound in the parks. We strongly recommend that BLM also evaluate natural quiet standards for the Monument so that the wilderness character is protected from impairment resulting from air tours.

The collection of acoustical data is not sufficient in itself to provide guidance for the establishment of a natural quiet standard. Each park should provide an evaluation of the spectrum of sound as heard by the human ear in the park as related to resources and use. Without a basic understanding of the distribution of natural, cultural and historic resources within a park, and the sounds associated with them an ATMP should not be finalized. Sound data needs to be collected within each of the parks to create the natural quiet standard. Data should be collected on the biophony, geophony and anthropony to provide a complete sound representation of the parks. Air tours should never result in the impairment of park resources and values, including the natural soundscape of each park.

Recommendations for Lake Mead NRA and Grand Canyon-Parashant NM ATMP

Flight numbers over Lake Mead NRA and Grand Canyon-Parashant NM must be set at levels that will prevent impairment of the parks' natural and cultural resources.

Cap on Air Tours at Current Level - Until the data recommended to be collected above has been analyzed, natural quiet standards identified, and an ATMP finalized based on this information, air tour

flights should be capped at their current level. This cap is precautionary in nature and decisions related to the volume of commercial flights should not be made in the absence of data.

Restored Quiet - Natural quiet should be restored to the NRA and MN. A curfew should be imposed to ban flights for two hours after sunrise and for two hours before sunset each day. These are the prime viewing hours at day's beginning and end when park visitors should be allowed to experience the parks' quiet majesty. Specific flight routes should be created to protect resources.

Wilderness - There should be absolutely no commercial air tours over designated or proposed wilderness in either the NRA or the NM. The Wilderness Act describes wilderness as...

“A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, ... an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitations, which is protected and managed so as to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; has outstanding opportunities for solitude or primitive and unconfined type of recreation...”
(P.L.88-577).

Clearly, commercial air tours pose a significant impact to primeval character, solitude and primitive recreation. Furthermore, the Wilderness Act prohibits certain activities within wilderness including commercial enterprise, roads, use of motor vehicles, motorized equipment, mechanical transport, structures, or installations. Hence commercial air tours over wilderness violate the very concept of wilderness itself and should be prohibited in the ATMPs.

Solitude is an intrinsic component of wilderness. The ability to avoid the sights, sounds and evidence of human action is critical to wilderness. It is the absence of distractions where a state of mind can emerge that is conducive to deep reflection and renewal. Natural quiet is essential to a wilderness experience.

Culturally-Sensitive Sites - There should be absolutely no commercial air tours over culturally-sensitive areas. There are many places sacred to indigenous people that are found in our National Parks. Those places should be protected from intrusion by commercial air tours. Often critical to their experience is the undistorted sound of nature as well as culturally-created sounds that are part of traditional worship in these landscapes. The play between nature and those that have traditionally worshiped in it should not be spoiled.

Important Biological Zones – Our National Parks and public lands are refuge for a wide array of plant and wildlife, and this sanctuary must be protected. There is considerable data in the literature indicating the adverse impact of helicopter flights on wildlife. Therefore, there should be absolutely no commercial air tours over important biological zones. Habitat for threatened or endangered species should be protected. Breeding, nesting, resting and feeding grounds should receive comparable protection. Threatened and endangered species present in the parks include peregrine falcon, desert tortoise, bald eagle, southwestern willow flycatcher and an array of fish and plant species.

Deficient Proposed Action Description

The proposed federal action described in the scoping document is the development of an ATMP. This action is too vague to prevent impairment of park resources or develop viable alternatives. The action needs to specifically describe the goal or intended result in the air over these parks. Hence for the NRA and the NM the NPS should develop the standard for natural quiet and then describe the optimal management objective to be met within that framework. The BLM should also describe its sound management objections for the Monument. Only when the public knows what the situation is in the Park and Monument and what the ultimate management objectives are for sound can serious feedback be provided. As stated above, TWS believes the federal action of regulating air space over Lake Mead NRA and Grand Canyon-Parashant is significant and requires an EIS.

Once a natural quiet standard has been developed for these areas and the sound management objective has been outlined, an adaptive management scheme for reaching the goals should be developed. A goal of restored natural quiet outlined in such a scheme will require an iterative phase of monitoring and adjustments to guarantee its success.

Deficient Alternatives

The alternatives outlined in the draft ATMP are deficient because a reasonable range of alternatives has not been outlined. NEPA requires a rigorous exploration and objective evaluation of all reasonable alternatives. Fundamentally, no specific action has been proposed in the scoping document. Therefore the alternatives proposed do not address an action. Basically, one alternative has been offered and that is one of mitigation. Two other alternatives: no action and no prohibitions, conditions, restrictions or limitations are essentially the same. Hence the mitigation alternative appears to be aimed at mitigating the status quo as opposed to providing a clear outline of alternatives that will protect the natural sound, natural resources and visitor experience. This is not acceptable and reflects the absence of substantive information and knowledge on sound and commercial air tours in these parks.

The information requested above regarding air tours, sound, natural resources and visitor use is necessary to fully propose alternatives for this ATMP. Alternatives should be designed that outline plans to implement the natural quiet standards of Lake Mead and Grand Canyon-Parashant by providing flight corridors, time and elevation restrictions, no-fly zones, prohibitions and other methods of control where necessary.

Thank you for the opportunity to comment on this significant federal action.

Sincerely,

Susan H. Gunn, Ph.D.
Director National Parks Program